

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	CRIMINAL ACTION
	)	NO. 05-40025-FDS
NYDIA SHARAIL BERNABEL and	)	
MATTHEW MARSH,	)	
Defendants,	)	
_____	)	

**STATUS REPORT**  
**January 6, 2006**

**SWARTWOOD, C.M.J.**

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

Completed. See separate Order relative to discovery.

2. Substantive Motions

Counsel for Ms. Bernabel intends to file a motion to suppress. That motion shall be filed by February 6, 2006 and the Government shall file its opposition to that motion by February 23, 2006.

3. Further Status Conference

A further status conference shall be held in this case on February 27, 2006, at 2:00 p.m., in Courtroom 1, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

4. Excludable Time

At the request of the Government and with the assent of counsel for Ms. Bernabel, I am excluding from the Speedy Trial Act, the period from December 21, 2005 (date of expiration of prior order of excludable time) through February 23, 2006 (date of by which the Government is to file its opposition to Ms. Bernabel's Motion To Suppress). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, May 4, 2006.

/s/Charles B. Swartwood, III  
CHARLES B. SWARTWOOD, III  
CHIEF MAGISTRATE JUDGE